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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,538	09/15/2003	Alex Hornig	HORN3166/EM	9056

23364 7590 12/01/2004

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EXAMINER

BENENSON, BORIS

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,538	Applicant(s) HORNG ET AL.	
	Examiner Boris Benenson	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10/18/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Actions

1. Amendment received on 10/15/2004 has been entered.

Claims 1,3,4, and 5 are amended.

Rejection of Claim 1 under 35 U.S.C. 35 § 112, second paragraph is withdrawn.

Claims 1-6 are pending in the application.

Response to the arguments

2. Applicant's arguments filed 10/15/2004 have been fully considered but they are not persuasive. Applicant's argument addresses elements of Figure 2 of DeShazo U.S. Patent (5,335,132) and didn't address Figure 1, on which rejection had been made. The Examiner has no other choice but to make a final rejection.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in TAIWAN on 08/22/2003. It is noted, however, that applicant has not filed a certified copy of the 92123131 application as required by 35 U.S.C. 119(b).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeShazo (5,335,132). DeShazo disclosed an Overvoltage Sensor With Hysteresis wherein he provided as Prior Art a circuit (Figure 1) a protective circuitry that comprises: an overvoltage protective element (Z1) connected between power line (Vs) and a ground line, a first resistor serially connected to the overvoltage protective element (R2), a first transistor (Q6) having a base and connected between power source and a load, a second transistor (Q2) connected to the first transistor and constitutes a switch set, a second resistor (not numbered) between the power source and the first transistor. In case wherein the power supply has supplied a normal voltage the overvoltage protective element is not conducted to discharge the power source to the ground, the second transistor is turned

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"off" and the first transistor is turned "on" that allows power be supplied to the load. DeShazo did not disclose or limit a type of the load to be protected by the circuitry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have use the circuitry to protect a motor drive circuit.

Referring to Claim 2, the overvoltage protective element of DeShazo is a zener diode.

Referring to Claim 3 and 4, the circuitry indicates the second transistor as NPN type, but it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the circuitry and use PNP transistor as a designer choice, because a way to control NPN or PNP type of transistors is well known in the art.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Benenson whose telephone number is (571) 272-2048. The examiner can normally be reached on M-F (8:20-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571) 272 2800 ext 36. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Boris Benenson
Examiner
Art Unit 2836

B.B.



11-29-04

STEPHEN W. JACKSON
PRIMARY EXAMINER